

JUL 29 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOHN V. DOMMISSE,

Plaintiff - Appellant,

v.

JANET NAPOLITANO, Individual
Capacity Only; et al.,

Defendants - Appellees.

No. 07-15470

D.C. No. CV-06-00368-DCB

MEMORANDUM *

Appeal from the United States District Court
for the District of Arizona
David C. Bury, District Judge, Presiding

Submitted July 14, 2009 **

Before: LEAVY, THOMAS, and WARDLAW, Circuit Judges.

John V. Dommisse appeals pro se from the district court's judgment
dismissing his 42 U.S.C. § 1983 action alleging that defendants conspired to

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without
oral argument. See Fed. R. App. P. 34(a)(2).

deprive him of his constitutional rights. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Noel v. Hall*, 341 F.3d 1148, 1154 (9th Cir. 2003). We affirm.

The district court properly concluded that the *Rooker-Feldman* doctrine barred Dommissé's action because it is a "forbidden de facto appeal" of a state court decision, and raises constitutional claims that are "inextricably intertwined" with that prior state court decision. *Id.* at 1158; *see also Bianchi v. Rylaarsdam*, 334 F.3d 895, 900 n.4 (9th Cir. 2003) (explaining that under the *Rooker-Feldman* doctrine, "[i]t is immaterial that [the plaintiff] frames his federal complaint as a constitutional challenge to the state court[']s decision[], rather than as a direct appeal of [that decision]").

Dommissé's remaining contentions are unpersuasive.

AFFIRMED.